

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE – CRIMINAL
BAIL APPLICATION NO.2166 of 2014

Mr. Faiyaz Ahmed Raes Khan ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mr. M.J. Reena Roland for the Applicant
Mrs. A.A. Mane, APP, for the Respondent-State.
Mr. Fadtare, API, present.

CORAM: P.D. KODE, J.

DATED: JANUARY 21, 2015.

PC:

1. By this application the Applicant charge-sheeted by Charkop Police Station alongwith four more co-accused for commission of offence under section 354 r/w 34 of the IPC and sections 7 and 8 of the Protection of Children from Sexual Offences Act 2012, has prayed for bail.

2. Learned APP has objected the prayer on the ground that the offence was committed in respect of a minor girl and the manner in which the Applicant and the co-accused has acted gives an impression that they do not have regard for law and order and there being every chance of the Applicant if released on bail committing similar offences and / or attempting to harass first informant.

3. The prayer for bail is pressed on the count that all other co-accused have released on bail and the Applicant is in custody since a period of about more than 10 months. Investigation is complete and he is ready to abide any condition which would be imposed by the Court. The perusal of the charge-sheet and particularly the FIR and taking into account the acts allegedly committed by accused /Applicant, who is of age 23 years i.e. a youth, it does not appear that this is not a fit case for exercising discretion in favour of grant of bail. It appears accordingly as act alleged has not transacted beyond the particular limit. However, having regard to the apprehension expressed by learned APP it appears proper to impose certain conditions while considering the prayer for bail.

4. Resultantly, the application is allowed. The applicant is directed to be released on bail in C.R. 74 of 2014 registered with Charcop Police Station on furnishing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one or two sureties to make up like amount and subject to conditions that after his release the applicant shall (i) stay out of the area of Greater Bombay save except attending the date fixed in case against him, however, even on the said dates he shall not enter the area under Charcop Police Station; (ii) inform his place of abode to the I.O. and shall attend the local police station of the

said area on every Monday for a period of three months and thereafter on alternate Monday for a period of two months and thereafter on every first Monday in between 5:00 a.m. to 7:00 p.m. until further order; (iii) not indulge in activity of contacting, intimidating, tampering, threatening, coercing or pressurizing the prosecution witnesses in any manner and particularly not coming in the vicinity of the victim girl; and (iv) not misuse the bail granted vide this order for fleeing away or for committing any further offence.

5. The application accordingly stands disposed of.

(P.D. KODE, J.)